THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8748 of 2005

23.8.2005

Between

M/s.D.B.K. Traders, Gadwal, rep. By its Prop:D.Venkataramulu,

Gadwal, Mahabubnagar District.

… Petitioner.

AND

1. The Mandal Revenue Inspector, Gadwal, Mahabubnagar District

and two others.

… Respondents.

ORDER:

The petitioner is a wholesale kerosene oil dealer at Gadwal. The second respondent suspended the license of the petitioner, pending action under Clause 28(1) of A.P. Petroleum Products (Licensing & Regulation of Supplies) Order, 1980. The proceedings dated 03.3.2005 suspending the license of the petitioner are challenged in an appeal before the third respondent, which is still pending. It appears that the petitioner also submitted arguments on 30.3.2005 and orders were reserved. Again, the present writ petition is filed.

Though the interlocutory applications are listed, the matter was heard finally and is being disposed of by this order.

It is now well settled that a citizen cannot be permitted to avail remedies simultaneously one provided under the statute and the other under the Constitution. The petitioner has rightly approached the third respondent by filing the appeal and that the writ petition is not maintainable. The third respondent, however, is directed to pass appropriate orders in the appeal within a period of two weeks from the date of receipt of a copy of this order, if not already passed.

The writ petition, with the above observations, is dismissed. No costs.

_____

(**V.V.S. RAO,J**)

August 23, 2005

YS